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Detroit. Ordinances, etc.

Proposed Building Zone Ordinance

CITY OF DETROIT

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THE CITY PLAN COMMISSION
Detroit, Mich.
May, 1922

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DETROIT CITY PLAN COMMISSION

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INTRODUCTION.

"Zoning" is the term applied to the plan of regulating the height, size and use of all new buildings or the alteration of old buildings in a city. The regulations form part of a city-wide plan to control the character and extent of the city's growth and are established in accordance with some definite plan of city development. The regulations are uniform for like districts in any part of the city, varying in character usually in accordance with prevailing building development. The regulations are not retroactive, applying only to new buildings and alterations to old buildings. The different districts or "zones," whether for height, area, or use, are established not for certain districts, but for the city as a whole, the variation in character of regulations in different districts being entirely in accordance with a general plan.

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WHAT ZONING MEANS.

The term "zoning" has come to be used to mean the regulation of buildings in a city. It signifies such regulation of the height, area, and use of buildings as will protect each landowner from the impairment of his share of light and use of his property.

Proper protection of the owner in these respects enhances the value of his land and conserves the value of his building. Owners cannot have such protection for themselves without conceding the like protection for their neighbors. Appropriate regulation demands such rules that no parcel of land in the city can be used in such fashion that all similar land could not be improved with buildings of like kind without disadvantages to each and all of them. This is only common fairness, corporate equality.

Each street will accommodate a certain amount of traffic, pedestrian and vehicular. Each lot of land on that street is entitled to its proportionate share of access along the street. The welfare of each owner demands that no one owner shall make greater use of the street than the size of his lot entitles him to have. There is a direct relation between the facilities afforded by the street for traffic and the light and air furnished by the street. If the buildings are too high for the width of the street, light is cut off, and, at the same time, traffic is congested.

In every city there is a tendency for business and industries of like kind to group together. This is for their own good. If a manufacturing industry is intruded into a commercial or residential neighborhood, it impairs the value of all the surrounding property. There has been annually in the United States a greater destruction of the value of buildings by the failure to protect them from the improper use of neighboring buildings than is caused by fire. One industry in a business block may easily destroy several million dollars' worth of neighboring buildings. One garage on a residential block may destroy hundreds of thousands of dollars' worth of residences. High buildings have been erected that cut the rent roll of their neighbors in half.

Unfortunately, in every city some buildings are too high, cover too large a percentage of the lot, and are put to a wrong use. Zoning must proceed on the basis of existing conditions. Even the worst sections can be improved somewhat; some sections may be saved; new sections may be protected at the beginning of their development. In general, buildings in new sections should never be allowed to be higher than the width of the street. No building for human habitation in a new section should be allowed to cover more than fifty per cent of the land. One and two-family dwellings may be protected by not being permitted to cover more than thirty per cent of the land.

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Zoning, properly conceived and carried out, thus constitutes not only a definite recognition of equality in ownership, but an important protection of taxable values.

LAWSON PURDY,
Vice Chairman, Zoning Committee,
New York City.

STATEMENT OF PRINCIPLES OF ZONING.

(1) The subject in relation to city planning should be called ZONING, the boards, ZONING BOARDS or COMMISSIONS. In laws and ordinances the word ZONING should be used in the title and the word DISTRICTS in the body of the law to specify the areas affected.

(2) Zoning is the creation by law of districts in which regulations differing in different districts prohibit injurious or unsuitable structures and uses of structures and land.

(3) Zoning should be done under the police power of the state and not by condemnation.

(4) Zoning by the exercise of the police power of the state must relate to the health, safety, morals, order and general welfare of the community. It follows, therefore, that police power zoning must be confined to police power reasons such as fire risk, lack of light and air, congested living quarters and other conditions inimical to the general welfare. The preventive regulations based on these reasons, which necessarily must be applied differently and in different measure in different districts, naturally group themselves into zoning according to use of structures and land, according to height of buildings and according to portion of lot covered by buildings. Zoning might go further and embrace the subjects of fire limits, setbacks, and doubtless other classes of regulations.

(5) Zoning is part of the city plan and should be applied to land as early as possible and where practicable at the time the street layout is adopted. Studies for zoning in undeveloped districts should be accompanied by studies for at least main and secondary thoroughfares.

(6) Zoning when applied to existing cities should be adapted generally to existing conditions but should endeavor to check undesirable tendencies. In the same city, localities having substantially like character and situation should be zoned in the same manner.

(7) Zoning should be sufficiently stable to protect those who comply with the law, but at the same time should be susceptible of change by the municipal authority under strict checks prescribed by state law, so that it can be altered to harmonize with the city's growth.

(8) Provision should be made that interested property owners may initiate the consideration of changes, but the actual application of the zoning regulations to the land and any changes therein should rest with the municipal authority.

(9) There should be an administrative board with power under state law:

(a) To rectify on appeals the errors of building superintendents in passing on applications for building permits.

(b) To decide borderline and exceptional cases of buildings where specified in the ordinance.

(c) To vary the literal requirement of the law in individual cases of buildings where unnecessary and excessive hardship is caused and the intention of the law is equally accomplished by an alternative method to be prescribed.

EDWARD M. BASSETT,
Counsel, Zoning Committee,
New York City.

**PROPOSED BUILDING ZONE ORDINANCE
CITY OF DETROIT**

Prepared by the City Plan Commission.

An ordinance to regulate and restrict the location of trades and industries and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings, to regulate and limit the percentage of lot occupancy, to regulate and determine the area of yards and other open spaces surrounding buildings, to limit and restrict the maximum number of families which may be housed, and for said purposes to divide the city into districts, to provide a method of administration and to prescribe the penalties for the violation of its provisions.

It is hereby ordained by the People of the City of Detroit:

SECTION 1. DEFINITIONS.

For the purpose of this ordinance certain terms used are herewith defined; words not defined herein shall be construed as used in the State Housing Code.

Alley: A public thoroughfare at least fifteen feet wide but less than thirty feet wide. Alleys are designated on the USE and HEIGHT AND BULK DISTRICT MAPS by a single black line.

Building, Area of: The maximum horizontal, projected area of a building, including covered porches but excluding cornices not more than eighteen inches wide, steps and terraces.

Building, Height of: The vertical distance from the established sidewalk grade at the center of the front of the building to the highest point of the roof surface if a flat roof, to the deck line for mansard roofs and to the mean height level between eaves and ridge for gabled, hip and gambrel roofs. For buildings set back from the street line the height of the building may be measured from the average elevation of the finished grade along the front of the building, provided such average elevation shall not exceed the established sidewalk grade at the center of the front of the building by more than one inch for each foot that the building sets back from the front lot line.

Corner Lot: A parcel of land in a single ownership, not more than sixty feet wide nor more than one hundred and fifty feet deep, at the intersection of two or more streets, provided the angle at which the streets intersect does not exceed one hundred and thirty-five degrees.

Dwelling: Any house or building, or portion thereof, which is occupied in whole or in part as the home, residence or sleeping place of one or more persons, either permanently or transiently, excluding hotels.

Garage, Community: A series of private garages located jointly on a parcel of land under a single ownership.

Garage, Private: A garage with not over eight hundred square feet of floor area, for private use, for storage only, having no public shop or service in connection therewith, and housing not more than four automobiles of which not more than one may be a commercial automobile.

Garage, Public: A garage other than a community or private garage.

Hotel: A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, in which as a rule the rooms are occupied singly for hire, in which provision is not made for cooking in any apartment, and in which there are more than fifty sleeping rooms, a public dining room for the accommodation of at least fifty guests, and a general kitchen.

Lot: Land in a single ownership, occupied or to be occupied by a building and its accessory buildings, and including the open spaces required under this ordinance.

Set-Back: The minimum horizontal distance between the street line and the front line of the building, excluding steps, uncovered porches, and covered but unenclosed entrance porches on the first story which do not exceed a total area of fifty square feet.

Story, Half: A half story is a story which is situated in a sloping roof, the floor area of which does not exceed one-half of the floor area of the story immediately below it and which does not contain an independent apartment. A half story shall not be counted as a story for the purpose of determining yard dimensions.

Street: A public thoroughfare thirty feet or more in width.

Yard, Depth of Rear: The minimum horizontal distance between the extreme rear line of a building, other than a building for an accessory use, and the rear lot line.

Yard, Rear: A space, unoccupied except by a building of accessory use as hereinafter permitted, extending for the full width of the lot between the extreme rear line of a building and the rear lot line.

Yard, Side: An open, unoccupied space on a lot occupied by a building, extending for the full length of the building between the building and the side lot line.

SECTION II. USE DISTRICT REGULATIONS.

In order to designate districts and regulate the location of dwellings, commerce, business, trades, and industries and the location of all buildings designed, erected, altered or occupied for other specified uses, the City of Detroit is hereby divided into the following districts:

Residence districts

Commercial districts

Industrial districts

Unrestricted districts.

The boundaries of said districts, shown upon the map attached hereto and made a part of this ordinance, are hereby established, said map being designated as the "USE DISTRICT MAP"; and said map and all notations, references and other information shown thereon shall be as much a part of this ordinance as if the matters and information set forth by said map were all fully described herein.

Except as hereinafter provided no building shall be erected or altered nor shall any building or premises be used for any purpose other than a use permitted in the use district in which such building or premises is located. (See, however, under Sec. VII.)

SECTION THREE. RESIDENCE DISTRICTS.

In a residence district no buildings or premises, except as otherwise provided in this ordinance, shall be erected or used except for one or more of the following uses:

1. Dwellings.
2. Churches.
3. Clubs, except clubs the chief activity of which is a service customarily carried on as a business.
4. Community garage, except in thirty-five foot height and bulk district.
5. Farms.
6. Greenhouses.
7. Hospitals or sanitarium.
8. Hotels, provided they conform to all the requirements of this ordinance for dwellings.
9. Institutions of an educational or philanthropic character other than correctional institutions.
10. Lodges or Temples.
11. Nurseries.
12. Railroad local passenger stations.

13. Accessory uses customarily incident to any of the above uses, including not more than one private garage but not including the conduct of a business. The term accessory use shall not include a use located within fifty feet from the front lot line unless in the same building to which the use is accessory.

Signs pertaining to the lease, sale or use of a lot or building may be placed thereon, provided the total area of all such signs does not exceed eight square feet, and provided further that on a lot occupied by a dwelling the total area of signs placed on the lot or dwelling and pertaining to the use thereof or bearing the name or occupation of an occupant, shall not exceed one square foot for each family housed.

(For garages not herein permitted, cemeteries and temporary uses or buildings, see under Sec. XV-11 and XVI-5, 6, 7, 8.)

SECTION IV. COMMERCIAL DISTRICTS.

In a commercial district no building or premises, except as otherwise provided in this ordinance, shall be erected or used for any of the following specified trades, industries or uses:

1. Blacksmith or horse-shoeing shop.
2. Bottling works.
3. Building material storage yard.
4. Carpet or bag cleaning.
5. Coal, coke or wood yard.
6. Contractor's plant or storage yard.
7. Ice plant or storage of more than twenty tons of ice.
8. Laundry employing more than ten persons.
9. Loading and transfer stations for municipal wastes.
10. Lumber yard.
11. Milk distributing station or dairy.
12. Public garage or stable. (See, however, under Sec. XVI-7, 8.)
13. Stone yard.
14. Storage or baling of scrap paper, rags, or junk.
15. Any use classified under this ordinance as INDUSTRIAL or UNRESTRICTED except an industrial use clearly incidental to a retail business conducted on the premises, provided such industrial use does not occupy more than twenty per cent of the floor space of the building.

SECTION V. INDUSTRIAL DISTRICTS.

In an industrial district no building or premises, except as otherwise provided in this ordinance, shall be erected or used for any of the following specified trades, industries or uses:

1. Ammonia, bleaching powder or chlorine manufacture.
2. Asphalt manufacture or refining.
3. Blast furnace.
4. Boiler works, forge works, aluminum, brass, copper, iron or steel foundry.
5. Brick, tile or terra cotta manufacture.
6. Celluloid manufacture or treatment.
7. Creosote treatment or manufacture.
8. Disinfectant or insecticide manufacture.
9. Distillation of bones, coal, tar or wood.
10. Dye manufacture.
11. Dyeing at wholesale.
12. Fat rendering.
13. Fertilizer manufacture.
14. Gas (heating or illuminating) manufacture or storage in excess of one thousand cubic feet.
15. Glue, gelatin or size manufacture.
16. Gun powder manufacture or storage.
17. Fire works or explosives manufacture or storage.
18. Incineration or reduction of dead animals, garbage, offal, or refuse, other than garbage, offal or refuse accumulated and consumed on the same premises.
19. Lampblack manufacture.
20. Lime, cement or plaster of Paris manufacture.
21. Oilcloth or linoleum manufacture.
22. Paint, oil, turpentine or varnish manufacture.
23. Pickle, sauerkraut, sausage, or vinegar manufacture.
24. Refining or storage of petroleum or its derivatives in excess of two thousand gallons.
25. Rock crusher.
26. Rolling mill.
27. Rubber manufacture from crude material.
28. Salt works.
29. Slaughtering of animals.
30. Smelting of iron.
31. Soap manufacture.
32. Stock yards.
33. Stone mill or quarry.
34. Sulphuric, sulphurous, nitric or hydrochloric acid manufacture.
35. Tallow, grease or lard manufacture or refining.
36. Tanning or curing of leather, raw hides or skins, or storage of raw hides or skins.
37. Tar roofing or tar waterproofing manufacture.
38. Tobacco (chewing) manufacture.

39. Any other trade, industry or use that is noxious or offensive by reason of the emission of odor, fumes, dust, smoke or noise.

(For uses excluded hereunder but to be carried on incidentally to uses permitted in industrial districts, see under Sec. XVI-9.)

SECTION VI. UNRESTRICTED DISTRICTS.

In an unrestricted district buildings and premises may be used for any purposes except those which by ordinance are excluded from within the city limits.

SECTION VII. NON-CONFORMING USES.

The lawful use of buildings and of premises at the time of the adoption of this ordinance may be continued, although such use does not conform with the provisions hereof. In the case of a building such use may be extended throughout the building provided no structural alterations are made therein, except those required by law or ordinance. If no structural alterations are made a non-conforming use may be changed to any use permitted in a district where such non-conforming use would be permitted.

(For extension of non-conforming uses see under Sec. XVI-2.)

No non-conforming building which has been damaged by fire, explosion, act of God or act of the public enemy to the extent of more than fifty per cent of its assessed value, shall be restored except in conformity with the regulations of this ordinance.

(For non-conforming buildings damaged more than fifty per cent but less than ninety per cent, see under Sec. XVI-3.)

SECTION VIII. HEIGHT AND BULK DISTRICT REGULATIONS.

In order to regulate and limit the height and bulk of buildings, the area of yards and other open spaces, the percentage of lot occupancy and the maximum number of families which may be housed, the City of Detroit is hereby divided into the following districts:

- Thirty-five foot height and bulk districts
- Fifty foot height and bulk districts
- Seventy foot height and bulk districts
- One hundred foot height and bulk districts
- One hundred and fifty foot height and bulk districts
- Two hundred foot height and bulk districts.

The boundaries of said districts, shown upon the map attached hereto and made a part of this ordinance are hereby established, said map being designated as the "HEIGHT AND BULK DISTRICT MAP"; and said map and all notations, references and other information shown thereon shall be as much a part of this ordinance as if the matters and information set forth by said map were all fully described herein. Except as hereinafter provided no building shall be erected or altered so as to produce greater heights, smaller yards or less unoccupied area or house more families than herein required for such a building for the height and bulk district in which it is located.

No lot area shall be so reduced or diminished that the yards or open spaces shall be smaller than prescribed by this ordinance.

SECTION IX. THIRTY-FIVE FOOT HEIGHT AND BULK DISTRICTS.

In a thirty-five foot height and bulk district—

Height: No building shall exceed thirty-five feet or two and one-half stories in height. (See, however, under Sec. XV-1, 2.)

Rear Yards: There shall be a rear yard on every lot. On interior lots within a residence district the rear yard shall have a minimum depth of twenty-four feet, which shall be increased by four feet for each additional story of the building above one story. On corner lots within a residence district the above rear yard depth may be decreased by not more than six feet. On all lots not within a residence district the above rear yard depths may be decreased by not more than eight feet. (See, however, under Sec. XV-6.)

Side Yards: There shall be a side yard on each side of every building, other than an accessory building, in a residence district. The minimum width of any side yard provided in a thirty-five foot height and bulk district shall be three feet, which shall be increased three inches for every ten feet or fraction thereof that the length of the side yard exceeds fifty feet. Except on corner lots at least one side yard shall be seven feet wide, provided that on no lot held under a separate and distinct ownership from adjacent lots and of record at the time of the adoption of this ordinance shall the buildable width be reduced by this requirement to less than twenty-four feet.

Set-Back: In a residence district in a thirty-five foot height and bulk district on lots fronting on one side of a street between two intersecting streets no building shall hereafter be erected or altered to be closer to the street line than the minimum set-back of existing buildings within such limits, provided that the required set-back of a building

shall not be greater than twenty-five feet in any case. If no buildings exist on such lots at the time of the adoption of this ordinance no building shall hereafter be erected within such limits closer to the street line than ten feet.

Building Area: The area of a dwelling shall not exceed thirty-five per cent of the area of the lot if an interior lot or forty-five per cent if a corner lot. The area of a building other than a dwelling shall not exceed fifty per cent of the area of the lot if an interior lot or sixty per cent if a corner lot. (For accessory buildings, see under Sec. XV-11.)

Number of Families Housed: No dwelling shall hereafter be erected or altered to accommodate or make provision for more than twenty families on any acre of land, nor for more than a proportional number of families on a fractional part of any acre of land, nor for more than two families on any lot. The maximum number of families which may hereafter be housed on any lot shall not exceed the integral number obtained by multiplying the acreage of such lot by twenty. The limitation imposed by this section, however, shall not prohibit the erection or use of a private dwelling on any lot of record at the time of the adoption of this ordinance nor the erection or use of a two-family dwelling on any lot containing at the time of the adoption of this ordinance more than one-fifteenth of an acre.

SECTION X. FIFTY FOOT HEIGHT AND BULK DISTRICTS.

In a fifty foot height and bulk district—

Height: No building shall exceed fifty feet or four stories in height. (See, however, under Sec. XV-2.)

Rear Yards: On interior lots there shall be a rear yard having a minimum depth of sixteen feet, which shall be increased by four feet for each additional story of the building above one story. On corner lots the above rear yard depth may be decreased by not more than six feet.

Side Yards: There shall be a side yard on each side of every building, other than an accessory building, in a residence district. The minimum width of any side yard provided in a fifty foot height and bulk district shall be four feet, which shall be increased one foot for each additional story of the building above two stories and shall be further increased three inches for every ten feet or fraction thereof that the length of the side yard exceeds fifty feet, provided that for buildings other than multiple dwellings the width may be reduced one foot.

Set-Back: In a residence district in a fifty foot height and bulk district and in any adjacent thirty-five foot height and bulk district on lots fronting on one side of a street between two intersecting streets no building shall hereafter be erected or altered to be closer to the street line than the minimum set-back of existing buildings within such limits, provided that the required set-back of a building shall not be greater than fifteen feet in any case.

Building Area: The area of a building shall not exceed sixty-five per cent of the area of the lot if an interior lot or seventy-five per cent if a corner lot.

Number of Families Housed: No dwelling shall hereafter be erected or altered to accommodate or make provision for more than one hundred families on any acre of land, nor for more than a proportional number of families on a fractional part of any acre of land. The maximum number of families which may hereafter be housed on any lot shall not exceed the integral number obtained by multiplying the acreage of such lot by one hundred.

SECTION XI. SEVENTY FOOT HEIGHT AND BULK DISTRICTS.

In a seventy foot height and bulk district—

Height: No building shall exceed seventy feet or six stories in height.

Rear Yards: For all buildings controlled as to rear yards by the State Housing Code the provisions of that Code shall apply. For all other buildings there shall be a rear yard having a minimum depth of sixteen feet for a one-story building, eighteen feet for a two-story building, and twenty feet for a three-story building. This depth shall be further increased by four feet for each additional story of the building above three stories. On corner lots the above rear yard depth may be decreased by not more than six feet.

Side Yards: For all buildings controlled as to side yards by the State Housing Code the provisions of that Code shall apply. For all other buildings, where side yards are provided, they shall have a minimum width of three feet, which shall be increased one foot for each additional story of the building above two stories and shall be further increased three inches for every ten feet or fraction thereof that the length of the side yard exceeds fifty feet.

Set-Back: In a residence district in a seventy foot height and bulk district and in any adjacent fifty foot or thirty-five foot height and

bulk district on lots fronting on one side of a street between two intersecting streets no building shall hereafter be erected or altered to be closer to the street line than the minimum set-back of existing buildings within such limits, provided that the required set-back of a building shall not be greater than ten feet in any case.

Building Area: The area of a building shall not exceed seventy-five per cent of the area of the lot if an interior lot or eighty-five per cent if a corner lot.

Number of Families Housed: No dwellings shall hereafter be erected or altered to accommodate or make provision for more than one hundred and fifty families on any acre of land, nor for more than a proportional number of families on a fractional part of any acre of land. The maximum number of families which may hereafter be housed on any lot shall not exceed the integral number obtained by multiplying the acreage of such lot by one hundred and fifty.

SECTION XII. ONE HUNDRED FOOT HEIGHT AND BULK DISTRICTS.

In a one hundred foot height and bulk district—

Height: No building shall exceed one hundred feet or nine stories in height.

Yards and Building Area: The minimum dimensions of yards and percentage of lot occupancy for all buildings designed, erected, intended or used as dwellings shall be as hereinbefore prescribed for seventy foot height and bulk districts in Section XI; for other buildings no requirements are herein prescribed.

Number of Families Housed: No dwelling shall hereafter be erected or altered to accommodate or make provision for more than two hundred families on any acre of land, or for more than a proportional number of families on a fractional part of any acre of land. The maximum number of families which may hereafter be housed on any lot shall not exceed the integral number obtained by multiplying the acreage of such lot by two hundred.

SECTION XIII. ONE HUNDRED AND FIFTY FOOT HEIGHT AND BULK DISTRICTS.

In a one hundred and fifty foot height and bulk district—

Height: No building shall exceed one hundred and fifty feet in height. Beginning at a height of one hundred and ten feet all buildings

shall set back from the street line and, except on corner lots, from the rear lot line, one foot for each additional one and one-half feet of height, provided that on and within sixty feet of streets or parks exceeding seventy-five feet in width such set-back from the street line may begin at a height equal to one and one-half times the width of the street.

Yards, Building Area and Number of Families Housed: The minimum dimensions of yards and percentage of lot occupancy for all buildings, designed, erected, intended or used as dwellings, and the maximum number of families that may be housed in dwellings shall be as hereinbefore prescribed for one hundred foot height and bulk districts in Section XII; for other buildings, no requirements are herein prescribed.

SECTION XIV. TWO HUNDRED FOOT HEIGHT AND BULK DISTRICTS.

In a two hundred foot height and bulk district—

Height: No building shall exceed two hundred feet in height. Beginning at a height of one hundred and fifty feet all buildings shall set back from the street line and, except on corner lots, from the rear lot line, one foot for each additional two feet of height, provided that on and within sixty feet of streets or parks exceeding seventy-five feet in width such set-back from the street line may begin at a height equal to twice the width of the street.

Yards, Building Area and Number of Families Housed: The minimum dimensions of yards and percentage of lot occupancy for all buildings designed, erected or intended as dwellings and the maximum number of families that may be housed in dwellings shall be as hereinbefore prescribed for one hundred foot height and bulk districts in Section XII; for other buildings, no requirements are herein prescribed.

SECTION XV. HEIGHT AND BULK DISTRICT EXCEPTIONS AND INTERPRETATIONS.

The foregoing requirements in the height and bulk districts shall be subject to the following exceptions and regulations:

Height.

1. In a thirty-five foot height and bulk district a dwelling may be built to a height of forty-five feet but not exceeding three and one-half stories, provided it sets back from every street and lot line ten feet in addition to other yard and set-back requirements.

2. In a thirty-five foot or fifty foot height and bulk district a church, hospital, sanitarium, or institution of an educational or philan-

thropic character may be built to a height of seventy feet, but not exceeding six stories, provided it sets back from every street and lot line, in addition to other yard and set-back requirements, one foot for each foot of such height in excess of the height limit, and in no case less than ten feet.

3. In a one hundred and fifty foot or two hundred foot district on frontage any part of which is within thirty feet of one or more existing buildings which exceed the height limit or provide less set-backs than herein established, a building may exceed the established height limit by an amount equal to one-half the total of the excess heights of such existing buildings and its set-back need not exceed the average of their set-backs, a lot not occupied by the largest building otherwise permitted being computed as though so occupied. No building need observe a greater set-back on the rear lot line than that of buildings on lots adjacent to or across an alley from such rear lot line, provided, however, that the exemption of set-back from the rear lot line for a building on a corner lot shall not reduce the required set-back of a building on an adjacent lot.

4. In a one hundred and fifty foot or two hundred foot district, towers may be erected above the height limit herein established, provided the longest horizontal dimension of towers shall not exceed sixty feet, provided their total area shall not exceed twenty-five per cent of the area of the lot, and provided that each tower shall be removed at least thirty feet from every lot line other than a street line, and at least sixty feet from any other tower.

5. Parapet walls not exceeding four feet in height, chimneys, ventilators, cooling towers, elevator bulkheads, fire towers, gas holders, grain elevators, pent houses, stacks, sugar refineries, tanks, water towers, radio towers, ornamental towers, monuments, cupolas, domes and spires may be erected above the height limit herein established. Stage lofts may exceed the height limit herein established by not more than ten feet.

Area.

6. Where there is an alley at the rear of a lot upon which the lot abuts for its full width the measurement of depth of rear yard for all buildings, except dwellings in the thirty-five and fifty foot height and bulk districts, may be made to the center line of such alley.

7. The highest grade level of a yard within a residence district shall not be more than two feet above the first story floor, and for a dwelling in any district shall not be more than two feet above the first floor of the dwelling. The highest grade level of a yard not within a residence district for buildings or parts of buildings other than dwellings shall not be more than two feet above the second story floor.

8. Every part of a required yard shall be open from its lowest point to the sky unobstructed except for the projections of sky-lights above the bottom of such yard, and except for the ordinary projections of window sills, belt courses, and other ornamental features, to the extent of not more than four inches. Cornices may not extend more than four inches into any court nor more than eighteen inches into any yard. Open or lattice-enclosed iron fire escapes, fire-proof outside stairways, or solid floored balconies opening upon fire towers shall not project into a side yard but may project into the rear yard a distance of not more than four feet, provided the exact location thereof receives the approval of the Commissioner of the Department of Buildings and Safety Engineering.

9. The limitation of building area herein prescribed shall apply in a residence district at the established sidewalk grade, and elsewhere at a level not more than two feet above the second story floor.

10. In measuring building area any court not opening its full width on a street, alley or yard of the required size shall not be included as open space in computing the maximum percentage of area of a lot that may be built upon.

11. A one-story building not more than fifteen feet high and on the same lot with a building to which its use is accessory may be located in and occupy not more than thirty per cent of the rear yard of such building. The area occupied by a building of accessory use shall not be included as occupied area in computing the percentage of lot occupancy. A community garage may be considered a building of accessory use in any residence district not within a thirty-five foot height and bulk district.

12. Chimneys or flues may be erected within the limits prescribed for yards, provided they do not exceed five square feet in total horizontal area and do not obstruct ventilation.

SECTION XVI. BOARD OF APPEALS.

The Board of Appeals on Zoning established in accordance with law, may in specific cases, after public notice and hearing, and subject to appropriate conditions and safeguards, determine and vary the application of the use and height and bulk district regulations herein established, in harmony with their general purpose and intent as follows:

1. Grant a permit where the boundary line of a use district divides a lot in a single ownership at the time of the adoption of this ordinance, for the extension of a use authorized on the less restricted portion of such lot to the entire lot but for a distance of not more than fifty feet.

2. Grant a permit for the erection of additional buildings or for the enlargement of existing buildings on the same parcel of land or one directly across an alley therefrom, each in the same single ownership of record at the time of the adoption of this ordinance, for a trade, business or industry located in a district restricted against such use, where the enlargement or expansion of such trade, business or industry will not be detrimental to or tend to alter the character of the neighborhood.

3. Grant a permit for the reconstruction within twelve months of a non-conforming building destroyed to the extent of more than fifty per cent but not more than ninety per cent of its assessed value by fire, explosion, act of God or act of the public enemy when such building is located in a district restricted against its use.

4. Grant a permit for the erection and use of a building or the use of premises in any location to a public service corporation or for public utility purposes, and make exceptions to the height and bulk district requirements herein established, which the board considers reasonably necessary for the public convenience or welfare.

5. Grant a permit in a residence district for a temporary building or use incidental to the residential development, such permit to be issued for an initial period of not more than two years, and in the case of a building only upon application accompanied by a bond and bill of sale to the city, effective in case the building is not removed prior to the expiration of the permit. Permits may be renewed by the Board for successive periods of not more than two years each.

6. Grant a permit in a residence district for a cemetery.

7. Grant a permit in any residence district for a public garage or stable, or in a residence thirty-five foot height and bulk district for a community garage, provided that any such garage or stable shall not be located within fifty feet of the front line of the lot. No such permit shall be issued unless there are on file with the Board the written consents of the owners of seventy-five percent of the frontage of the property, exclusive of the lot for which the permit is sought, within the following limits: (a) The frontage of every lot within one hundred and sixty feet of such lot. Where a portion of a lot is within the above limits a length of frontage equal to the width of such portion only shall be included. On a corner lot the frontage shall be measured on its shortest side, provided that where a longer side abuts on a street to which the garage or stable is to have vehicular access the frontage of such side shall be substituted. (b) The frontage of all additional lots abutting on any street or alley to which the garage or stable is to have vehicular access as far in both directions as an intersecting street but in any case not more than five hundred feet from the lot for which the

permit is sought, provided that for portions of lots or for corner lots within such limits frontage shall be measured as hereinbefore provided. In computing the percentage of consents required under this provision the frontage of lots already used for public garages or stables shall be counted as consenting.

8. Grant a permit in a commercial district for a public garage or stable after notification to owners of frontage on both sides of every street to which the garage or stable is to have vehicular access as far in both directions as an intersecting street but in any case not more than five hundred feet from the lot for which the permit is sought, provided that whenever a written protest against such garage or stable, signed by the owners of twenty per cent of the frontage herein specified, shall have been presented to the Board, the permit shall not be granted except by the favorable vote of three-fourths of the members of the Board. In computing the percentage of protests specified under this provision the frontage of lots already used for public garages or stables shall not be counted as protesting.

9. Grant a permit in an industrial district for a building or use otherwise excluded from such district, provided such building or use is distinctly incidental and essential to a use of a building, or plant with a series of buildings, permitted in an industrial district, provided such incidental building or use occupies not more than ten per cent of the lot, provided that not more than ten per cent of the employees of the building or plant are to be engaged therein and provided that such building or use is not located within fifty feet of any street or lot line unless such line adjoins or faces property in an unrestricted district.

10. Interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the USE and HEIGHT AND BULK DISTRICT MAPS accompanying and made a part of this ordinance where the street or alley layout actually on the ground varies from the layout as shown on said maps.

11. Adopt from time to time such rules and regulations as may be deemed necessary to carry into effect the provisions of this ordinance.

SECTION XVII. ENFORCEMENT.

The Commissioner of the Department of Buildings and Safety Engineering, and in the case of dwellings the Commissioner of Health, shall enforce the provisions of this ordinance. No permit shall be issued for excavation or for the construction or alteration of any building or part thereof where the plans, specifications, or intended use indicate that the building would not conform in all respects with the provisions of this ordinance.

SECTION XVIII. PLATS.

All applications for building permits shall be accompanied by a plat in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, and such other information as may be deemed necessary to provide for the enforcement of these regulations. No yard, court or other open space provided about any building for the purpose of complying with the provisions of these regulations shall again be used as a yard, court or other open space for another building.

SECTION XIX. OCCUPANCY PERMITS.

No vacant land and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever, and no change of use shall hereafter be made on any land or in any building or part thereof until a certificate of occupancy and compliance shall have been issued by the Commissioner of the Department of Buildings and Safety Engineering, and in the case of dwellings and buildings accessory to dwellings, also by the Commissioner of Health, stating that the building and/or use complies with the provisions of this ordinance and other ordinances or state laws.

Applications for certificates of occupancy and compliance shall be filed coincident with the application for building permits and shall be issued or refused in writing for cause within five days after the Department of Buildings and Safety Engineering has been notified in writing that the erection or alteration of such buildings has been completed. A record of all certificates shall be kept on file in the office of the Commissioner of the Department of Buildings and Safety Engineering and copies shall be furnished on request to any person having a proprietary or tenancy interest in the property. Buildings accessory to dwellings when completed at the same time shall not require a separate certificate of occupancy.

Pending the issuance of a regular certificate, a temporary certificate may be issued for a period not exceeding six months during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants. No temporary certificate shall be issued if, prior to its completion, the building fails to conform to the provisions of the building ordinances and state laws or of this ordinance to such a degree as to render it unsafe for the occupancy proposed.

SECTION XX. INTERPRETATION AND PURPOSE.

In interpreting and applying the provisions of this ordinance they shall be held to be reasonable requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare. This ordinance shall not interfere with, abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, or which shall be adopted or issued, pursuant to law, relating to the use of buildings or premises, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger open spaces than are imposed or required by such ordinance, rules, regulations or permits, the provisions of this ordinance shall control.

SECTION XXI. VIOLATION: PENALTY.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this ordinance shall be fined not less than twenty-five dollars nor more than two hundred dollars for each offense, or shall be punished by imprisonment in the Detroit House of Correction for a period of not to exceed ninety days or both such fine and imprisonment in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION XXII. BOUNDARIES OF DISTRICTS.

Unless otherwise shown the district boundaries are either lot lines, the center lines of streets or alleys, or the extensions thereof, and where the districts designated on the maps accompanying and made a part of this ordinance are approximately bounded by lot lines, streets or alleys, the lot lines or center lines of such streets or alleys, or the extensions thereof, shall be construed to be the district boundaries.

Where the district boundaries are not shown as being either lot lines, streets or alleys, or the extensions thereof, unless otherwise indicated they shall be construed to be parallel to and one hundred feet from the nearest street, provided that if a lot line or an alley shall hereafter be platted and recorded paralleling and within thirty feet of such district boundary such lot line or the center line of such alley shall thereupon be construed as the district boundary.

SECTION XXIII. CHANGES AND AMENDMENTS.

The Common Council may, after public notice and hearing and after report of the City Plan Commission as provided by law, amend, supple-

ment or change the district boundaries or the regulations herein established. Whenever a written protest against such proposed amendment, supplement or change, signed by the owners of twenty per cent of the frontage proposed to be altered, or by the owners of twenty per cent of the frontage immediately in the rear thereof, or by the owners of twenty per cent of the frontage directly opposite the frontage proposed to be altered, shall have been presented to the Common Council, the ordinance providing for such proposed amendment, supplement or change shall not be adopted except by the favorable vote of three-fourths of the members of the Common Council. If any area is hereafter transferred to another district by a change in district boundaries by an amendment, as above provided, the provisions of this ordinance in regard to buildings or premises existing at the time of the adoption of this ordinance shall apply to buildings or premises existing at the time of the adoption of such amendment in such transferred areas.

SECTION XXIV. COMPLETION AND RESTORATION OF EXISTING BUILDINGS.

Nothing herein contained shall require any change in the plans, construction or intended use of a building for which a building permit has been issued prior to the date this ordinance is in effect and the construction of which shall have been diligently prosecuted within six months of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed within such six months, and which entire building shall be completed according to such plans as filed within two years from the date of the adoption of this ordinance. Nothing herein contained shall prevent the ultimate erection to its full height as originally planned of a building constructed to a less height prior to the adoption of this ordinance, but with its foundation and structural members designed to carry the higher building. Nothing herein contained shall prevent the restoration of a wall declared unsafe by the Commissioner of the Department of Buildings and Safety Engineering. Nothing herein contained shall limit the height or bulk of the future extension of any public utility building, constructed prior to the adoption of this ordinance, to less than the height or bulk for which the building so extended was originally intended or designed.

SECTION XXV. CONFLICTING PROVISIONS REPEALED.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION XXVI. VALIDITY.

Should any section, clause, or provision of this ordinance be declared by a court to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

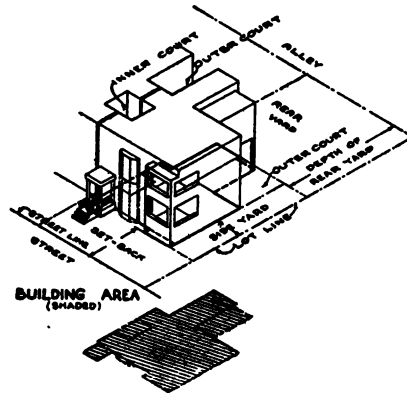
SECTION XXVII. NOTICE.

All notices required by this ordinance shall unless otherwise expressly required by law, consist of at least one publication in the official newspaper of the city, of the substance of the proposed change and the time and place of hearing thereon, which publication shall occur thirty days prior to the time effect is to be given to said change.

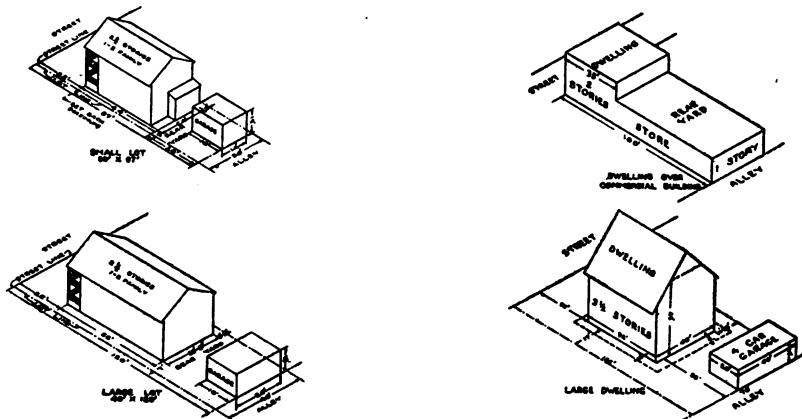
SECTION XXVIII. WHEN EFFECTIVE.

This ordinance shall take effect thirty days after its official approval by the Mayor and Common Council of the City of Detroit.

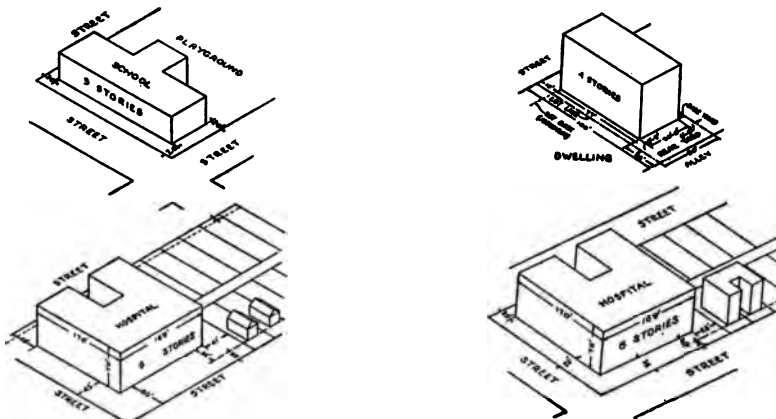
DIAGRAMS SHOWING TYPICAL APPLICATION OF PROPOSED REGULATIONS



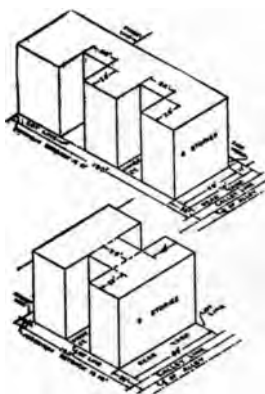
APPLICATION IN 35 FOOT HEIGHT AND BULK DISTRICTS



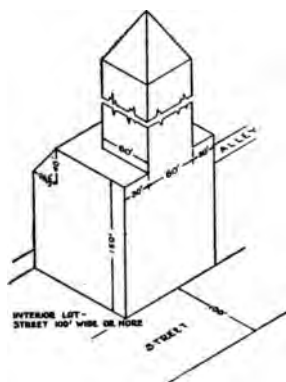
APPLICATION IN 50 FOOT HEIGHT AND BULK DISTRICTS



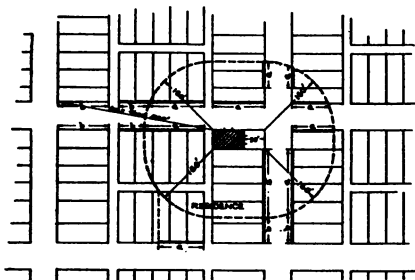
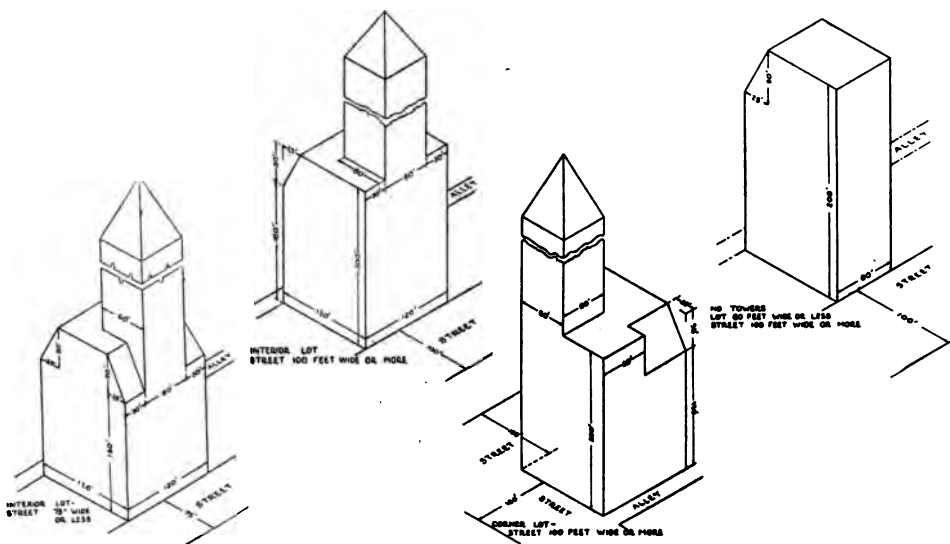
APPLICATION IN 70 FOOT HEIGHT AND BULK DISTRICTS



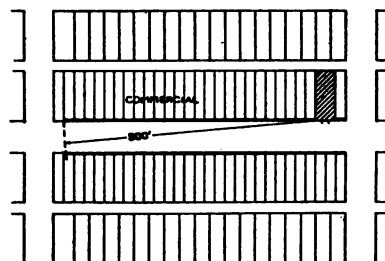
APPLICATION IN 150 FOOT HEIGHT AND BULK DISTRICTS



APPLICATION IN 200 FOOT HEIGHT AND BULK DISTRICTS



**COMMUNITY GARAGE IN 35 FOOT HEIGHT AND BULK RESIDENCE DISTRICT
PUBLIC GARAGE OR STABLE IN ANY RESIDENCE DISTRICT**



**PUBLIC GARAGE OR STABLE
IN ALL COMMERCIAL DISTRICTS**



FORM 
LET BIND

must be brought to the

4 SUNDAY

LET BINDER

